GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Elections- Elections to the MPTCs and ZPTCs in the State on 08.04.2021 – Conduct of Government Servants – Orders – Issued.

G.O.RT.No. 196 Dated: 05-04-2021
Read:

From the State Election Commissioner, APSEC, Vijayawada
Lr.No.1505/SEC-B1/2021, Dt.02.04.2021.

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ORDER:

The Government desire to impress on all Government Servants that Sub-rule (5) and (6) of Rule 19 of the Andhra Pradesh Civil Services(Conduct) Rules, 1964, which are reproduced below, define the position of Government Servants in relation to elections to the State and Central legislatures and Panchayat Raj bodies.

19(5) : No Government employee shall canvass or otherwise interfere or use his influence, in connection with, or take part in an election to parliament or any House of a State Legislature or any local authority or body;

Provided that.....

i. A Government employee qualified to vote at such election may cast his vote but, where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

ii. A Government employee shall not be deemed to have contravened the provisions of the Rule by reason only that he has assisted in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

19(6):The display by a Government employee on his person, vehicle, residence or any of his property, of any election symbol shall amount to using his influence in connection with a election the meeting the meaning of sub-rule(5)".

2. It is the duty of the Government Servants to be scrupulously impartial in the discharge of their duties in connection with elections. Besides being strictly impartial, they should conduct themselves in such a manner as to inspire confidence in the public in regard to their impartiality and to give no room for suspicion on any account that they are favouring any party or candidate. The Government servants should not take part in any election campaign or in canvassing or attending political meetings or rallies and they should take scrupulous care not to lend their names, official position or authority to assist any group, party or person, except exercising their right to vote in accordance with election to the Panchayat Raj Institutions must be convened to the conscientious and diligent discharge of any election duties which may be entrusted to them by the competent authority.

3. No Government Servant should act as an election agent or an agent of any candidate at election. In this connection, their attention is invited

to Section 222, 223 and 224 of Andhra Pradesh Panchayat Raj Act which read as follows:-

222. Breaches of official duty in connection with elections:-

(1) If any person to whom this section applies is without reasonable cause guilty of any act omission in breach of his official duty, he shall be punishable with fine which may extend five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of such act or omission as aforesaid.

(3) The persons to whom this section applies are the District Election officers, returning Officers, Assistant Returning officers, Presiding officers, Polling Officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purpose of this section be construed accordingly but shall not include duties imposed otherwise then by or under this Act.

223.Penalty for Government servants etc., for acting as election agent, polling agent or counting agent:-

If any person in the service of the State or Central Government or a local authority or a Corporation owned or controlled by the State or Central Government, acts as an election agent to a candidate at an election, he shall be punishable with imprisonment for a term which may extend to three months, or with fne or with both.

224. Offence of booth capturing:-

(1) whoever commits an offence of booth capturing shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine, and where such offence is committed by a person in the service of the Government, he shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to five years and with fine.

Explanation: For the purpose of this section "Booth Capturing" includes, among other things, all or any of the following activities, namely:-

a) Seizure of a polling station or a place fixed for the poll by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;
b) Taking possession of a polling station or a place fixed for the poll
c) by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from free exercise of their right to vote;
d) Coercing or intimidating or threatening directly or indirectly threatening any elector and preventing him from going to the polling station or a place fixed for the poll to cast his vote;

e) Seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and
f) Doing by any person in the service of Government, of all or any of
g) the aforesaid activities or aiding or conniving at, any such activity in the furtherance of the prospects of the election of a candidate.

(2) An offence punishable under sub-section(1) shall be congnizable".

4. Various parties etc., may apply for permission to hold election meetings in a public place and while granting permission for such meetings, no distinction should be made between one political party and another and if more parties than one apply for permission to hold a meeting at the same place on the same day and at the same hour, only the party which has applied first should be allowed to hold the meeting

5. The Government, direct that the above provisions of the Acts and Andhra Pradesh Civil Services(Conduct) Rules, 1964 should be strictly followed by all the Government Servants. The Government however, wish to assure the Government Servants of all ranks that, so long as they discharge their duties impartially and in accordance with the law and instructions issued by the Government, they will be fully protected by the Government and no victimization faced be apprehended.

6. The District Collectors are requested to communicate these instructions to the Government Servants of all grades of various offices in the District.

7. The receipt of the Government order should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

To:
All the District Collectors in the State
All the Chief Executive Officers of Zilla Praja Parishads in the State.
All the District Panchayat Officers in the State.

Copy to:
The Commissioner of Panchayat Raj and Rural Development,
Tadepalli, Guntur.
The Secretary, State Election Commission, Vijayawada.
All Departments of Secretariat,
All Heads of the Departments
The OSD to Minister(PR&RD, M&G).
The PS to Chief Secretary.
The P.S to Secretary to Hon'ble Chief Minister.
The P.S.to Principal Secretary (PR&RD).
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER